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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,223	01/14/2004	David T. Pfenninger	P00461-US-02	3809

22446 7590 02/25/2005

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EXAMINER

HARRIS, CHANDA L.

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/757,223

Applicant(s)

PFFENNINGER ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/23/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Terminal Disclaimer***

The terminal disclaimer filed on 9/23/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,681,098 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Status of Claims***

In response to the Amendment filed on 9/23/04, Claim 1 is pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sonnenfeld (US 6,112,049).**

[Claim 1]: Regarding Claim 1, Sonnenfeld discloses at least one database containing a plurality of tests (i.e. query sections) that may be distributed to the at least one test taker. See Abstract. Sonnenfeld discloses a central computer communicating with at least one database, the central computer providing an administrator workspace

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accessible by the test administrator at one of a plurality of remote computers. See Col.8: 29-45. Sonnenfeld discloses the administrator workspace operable to provide the test administrator with the ability to order (i.e. assign test takers to take specific tests) at least one of the plurality of tests contained in the at least one database. See Col.17: 47-55. Sonnenfeld discloses providing the test administrator with access information for delivery to the at least one test taker, the access information providing the at least one test taker with the ability to access one of a plurality of tests using one of the plurality of remote computers and take one of the plurality of test using one of the plurality of remote computers, the access information including a test identification code (i.e., <TEST ID>). See Col.15: 33-41, Col.12: 16-18, and Col.65: 44. Sonnenfeld discloses providing the test administrator with test status information, the test status information including information about the number of tests ordered (i.e. given) by the test administrator and the number of tests that have been completed (i.e. graded) by the at least one test taker using one of the plurality of remote computers. See Col.7: 47-48 and Col.8: 37-38. Sonnenfeld's invention is capable of providing the test administrator with the ability to match the test identification code with at least one test taker and automatically send a message (e.g., via Email) to the at least one test taker after the at least one test taker is matched with the test identification code. See Col.65: 41-67 and Col.66: 30-37.

**Response to Arguments**

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. This action is NON-FINAL. Examiner regrets the delay in the citation of this rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chanda L. Harris*  
Chanda L. Harris  
Examiner  
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